



DATE:	February 16, 2016
APPROVED BY:	David J. Radachy, Secretary

MINUTES OF THE LAKE COUNTY PLANNING COMMISSION

January 26, 2016

The Lake County Planning Commission hereby finds and determines that all formal actions were taken in an open meeting of this Planning Commission and that all the deliberations of the Planning Commission and its committees, if any, which resulted in formal actions, were taken in meetings open to the public in full compliance with applicable legal requirements, including Section 121.22 of the Ohio Revised Code.

Vice-Chair Morse called the meeting to order at 5:30 p.m.

ROLL CALL

Mr. Schaedlich took a roll call attendance and the following members were present: Messrs. Brotzman, Martin (Alt. for Troy), Morse, Schaedlich, Siegel, Valentic, and Mmes. Hausch and Pesec (Alt. for Moran). Legal Counsel present was Assistant Prosecutor Gianine Germano. Planning and Community Development Staff present were Mr. Radachy and Mmes. Benton, Jordan, and Myers.

ELECTION OF OFFICERS

The Nomination Committee consisting of Mr. Brotzman as Chair, Ms. Hausch, and Mr. Valentic met just prior to the Planning Commission meeting. Mr. Brotzman reported the results of that meeting by announcing that Mr. Morse was nominated as 2016 Planning Commission Chair, Mr. Siegel was nominated Vice-Chair and Mr. Radachy was nominated Secretary. All nominees were willing to accept their nominated positions.

Mr. Martin moved to approve the 2016 Planning Commission officer positions as nominated above and Ms. Hausch seconded the motion.

All voted "Aye".

Mr. Brotzman thanked Mr. Schaedlich for being an exemplary Planning Commission Secretary. Mr. Radachy also thanked him for stepping in for the past three years until there was another staff person who could perform in the subdivision and land use and zoning reporting position so he could resume the secretarial position on the Planning Commission.

2016 MEETING DATES AND TIMES

The members viewed and discussed the tentative 2016 Meeting Dates and Times Schedule.

Ms. Hausch moved to approve the November 22, 2016 meeting date and Mr. Siegel seconded the motion.

All voted "Aye".

Mr. Siegel moved to approve the December 20, 2016 meeting date and Ms. Hausch seconded the motion.

All voted "Aye".

Mr. Schaedlich moved to approve the remainder of the meeting dates as submitted on the Planning Commission Meeting Dates and Times Schedule and Mr. Siegel seconded the motion.

All voted "Aye".

MINUTES

December 15, 2015 Minutes

Mr. Brotzman corrected "Ms." to "Mr." Valentic in the top line on page three of the December 14, 2015 minutes and requested the duplicated words "motion passed" be deleted from page eight. They were already typed correctly on page nine.

Mr. Brotzman moved and Mr. Valentic seconded the motion to approve the December 15, 2015 minutes as corrected above.

All voted "Aye".

FINANCIAL REPORT

Mr. Radachy explained that \$1,420.00 was taken from the salaries account and used to pay for repairs to the plotter that were not covered by the County's printer maintenance agreement. This could be done because the County had not deducted the amount of time he had worked for the Community Development Block Grants Program from the salaries account.

Mr. Schaedlich moved and Mr. Siegel seconded the motion to accept the December 2015 Financial Report as submitted.

All voted "Aye".

PUBLIC COMMENT

Ms. Rhea Benton, CDBG Manager of the Lake County Planning and Community Development office, said she was present to get an idea of how the Planning side of the office functions with the Planning Commission.

LEGAL REPORT

Ms. Germano said there was no legal report.

DIRECTOR'S REPORT

Mr. Radachy gave the following report:

- Work has started on the Plan4Health Grant. Staff has met with 12 of the 13 communities to get their ideas on this grant and will meet with the last community on February 3. Staff is preparing RFQs for Planning Consultants to perform a portion of the project.
- We have entered into an agreement with Fairport Harbor Village to provide zoning services through 2017.
- We are still working with Ashtabula County to provide zoning services.
- We are finishing up the Painesville Township Comprehensive Plan update.
- We plan to start working on Leroy Township's and Fairport Harbor's Comprehensive Plans.

ANNOUNCEMENTS

Mr. Radachy announced that the Northeast Ohio Planning and Zoning Workshop will be held on Friday, June 10, 2016 at the Lake Metroparks Environmental Learning Center in Concord Township. There will be a planning and zoning brainstorming meeting this Friday at the Concord Township Community Center.

SUBDIVISION REVIEW

Subdivision Activity Report

Mr. Radachy presented the following subdivision activity report:

- Orchard Springs, Phase 2 is winding down. Improvements should be completed soon. The Plat will soon follow.
- Mountainside Farms, Phase 5 will be going into maintenance soon.

LAND USE AND ZONING REVIEW

Madison Township – Zoning Text Amendments in Section 101: Add Definitions; Section 114.3 Table: Changes & Additions; Section 127.5.3: Add Shooting Range Parking Requirements; Section 142.4.5: Add Shooting Ranges & Adult Day Care Center. Remove Section 142.4.5.6.1, and Update Language in Section 142.5.7.3.2 and 142.4.5.9

Ms. Jordan began by stating the Land Use and Zoning Committee met on January 21, 2016 and, upon deliberation, the Committee recommended the following:

- Adding definitions for Amusement Park, Club (Not-for-Profit), and Shooting Range. (Section 101)
- Changing Banks/Financial Institutions and Laundromats from Conditional to Permitted in B-1 District. (Section 114.3)
- Changing Recreational Facilities/Clubs from Conditional to Permitted in B-3 District. (Section 114.3)
- Adding Adult Day Care Center as a Permitted Use in the B-1 and B-3 Districts and a Conditional Use in the P-1 and B-2 Districts. (Section 114.3)
- Adding Amusement Parks as a Conditional Use in B-3 District. (Section 114.3)
- Adding Multiple Dwelling Use for Senior Citizen Residents Only as a Conditional Use in the B-2 and B-3 Districts. (Section 114.3)
- Adding Planned Unit Development (PUD) as a Conditional Use in the P-1, B-1, B-2, and B-3 Districts. (Section 114.3)
- Adding parking requirements for Shooting Range. (Section 127.5.3)
- Removing "Hospital or Sanitarium, except a Criminal, Mental, or Animal Hospital" and "Nursing or Convalescent Homes" from list of permitted Conditional Uses in all Districts other than M-1. (Section 142.4.5.6.1)
- Updating language for PUD Site Requirements (Section 142.4.5.7.3.2) and Child Day Care Center (Section 142.4.5.9) to reflect Conditional Use in a B-3 District.
- Adding new Conditional Use Permit sections for Shooting Range (Section 142.4.5.25) and Adult Day Care Center (Section 142.4.5.26), including criteria.

Ms. Jordan noted two things about these amendments: (1) The Comprehensive Plan discourages commercial development that tends to be visually or environmentally disruptive by nature..." Amusement Parks will exhibit such characteristics, and (2) Staff questioned whether B-3 should be listed as a permitted district for the conditional use of PUD as a residential use.

The Land Use and Zoning Committee and staff recommended acceptance of the amendments with the following modifications:

- In Section 142.4.5.26, Adult Day Care Center, replace “children” with “adults”.
- If Madison Township does not want to allow amusement parks to be located within the community, language for Amusement Parks should be completely eliminated from the Resolution.
- Should B-3 be listed as a permitted District for the Conditional Use of PUD in Section 142.4.5.7.3.2.

Ms. Pesec asked if you were allowed to add multiple dwelling units conditionally for senior citizens only and Mr. Siegel said you could if they are 55 and older units in the P-1, B-2 and B-3 Commercial Districts.

Ms. Pesec was concerned about the noise aspect of the shooting ranges and Ms. Jordan stated they were outdoor shooting ranges.

Mr. Radachy did not believe that noise can be addressed in a zoning resolution, other than the fact that you can enforce hours of operation for noise purposes.

Ms. Pesec said you could institute requirements for maximum noise decibels.

Mr. Radachy said a separate noise resolution is usually made to enforce noise requirements.

Mr. Siegel inquired if it was a conditional or permitted use and was told it was conditional. He said that would be taken into consideration when the Trustees looked at it for approval.

Ms. Jordan stated that they were regulating the hours of operation from 8:00 a.m. to 10:00 p.m.

Ms. Pesec made the motion that the Township consider noise regulations as part of a conditional use. Mr. Siegel seconded the motion.

Ms. Jordan said the staff could look into the way other communities have handled noise disturbance from shooting ranges.

All voted “Aye”.

Mr. Brotzman moved to recommend the specification of shooting ranges as either indoor or outdoor or how they wished to approach one versus the other. Ms. Pesec seconded the motion.

Ms. Jordan said she believed the intent of this submission was for outdoor shooting ranges.

All voted “Aye”.

Mr. Siegel moved to recommend approval of the proposed amendments to the Madison Township Zoning Regulations based on the recommendations made by the Land Use and Zoning Committee and the Planning Commission. Ms. Pesec seconded the motion.

All voted "Aye".

Painesville Township – Zoning Text Amendments in Sections 22.10(B)(3) and 22.10(B)(4); Sections 25.11(C) and 26.09(C); Subsections 18.12, 19.06, 20.05, 21.06, 25.14, 26.12 – Addition; Section 32.02(B) – Amend; Section 38 – Addition; Subsection 29.11(A) – Addition; Subsection 32.02(D) – Addition; and Section 39 – Addition

Amendment #1 - Sections 22.10(B)(3), 22.10(B)(4) and Sections 25.11(C) and 26.09(C)

Ms. Jordan said this amendment included Sections B-1, B-2, B-3, I-1 and I-2. They were adding the word "District" between residential and property. Staff recommended rewriting the Section to better protect legal non-conforming residential uses. This amendment would eliminate protection for legal non-conforming residential properties from the loading, unloading, opening, closing or operation of trash containers in B-4. By adding the word "districts" they are eliminating all non-conforming uses from these regulations. They would only be protecting the residential uses that are present in the residentially zoned and not legal non-conforming users.

The Land Use and Zoning Committee recommended not to make the proposed changes.

Ms. Pesec motioned to accept the recommendation of the Land Use and Zoning Committee to recommend Painesville Township not approve the proposed changes in Amendment #1 and Mr. Schaedlich seconded the motion.

All voted "Aye".

Amendment #2: Revising Section 18.12, Section 19.06, Section 20.05, Section 21.06, Section 25.14, and Section 26.12

Ms. Jordan stated this amendment includes adding accessory building requirements and trash receptacle language from Section 22.10 to Sections 18.12, 19.06, 20.05, 21.06, 25.14, and 26.12.

The Land Use and Zoning Committee recommended accepting the changes as submitted, and for the Township to consider combining I-1, I-2, and CS into Section 22.

Mr. Siegel moved to recommend approving the changes as submitted and for the Township to consider combining I-1, I-2, and CS into Section 22. Mr. Schaedlich seconded the motion.

All voted "Aye".

Amendment #3: Revising Section 32.02 (B)

Ms. Jordan stated Amendment #3 is revising the FPUD Section 32.02(B). This includes striking out the words "attached single-family" and "multi-family" as permitted uses. The Land Use and Zoning Committee recommended not accepting the proposed changes, as submitted as these uses exist in the Lake Erie Shores FPUD.

Ms. Pesec wanted to know what the effects of eliminating these uses may be.

Mr. Radachy stated that would leave single-family housing as the only residential use in the zoning district. One issue he had looked into was that by eliminating this use, the owners of the Casement property would lose the ability to develop attached single-family units and Mr. Schaedlich said there are attached units in Lake Erie Shores itself. Mr. Radachy stated that some of the development has not been completed, which would make them non-conforming uses.

Ms. Pesec asked for an explanation of what the difference was between the FPUD and the MUPUD. She was told by the Secretary that the MUPUD has commercial and multi-family uses in specified percentages. The FPUD does not state percentages and the Township Trustees could negotiate what they wanted.

The Land Use and Zoning Committee recommended not accepting the changes as submitted, as these uses exist in the Lake Erie Shores PUD.

Mr. Siegel moved to recommend that Painesville Township accept the Land Use and Zoning Committee's recommendation to disapprove the submitted changes to Section 32.02(B) and Mr. Brotzman seconded the motion.

All voted "Aye".

Amendment #4: Creating Section 38, Natural Resource Protection

Ms. Jordan summarized Amendment #4 as including the creation of Section 38, Natural Resource Protection and establishing riparian setbacks.

The Land Use and Zoning Committee recommended acceptance of the changes with the following modifications:

- Move all definitions to Section 5.
- Remove the definition of "Designated Watercourse".
- Revise the definition of "Watershed" to read: "The region or area drained by a watercourse".
- Require riparian setbacks on all watercourses in Painesville Township.
- Setbacks for wetlands should be on all non-mitigated wetlands. All wetlands are required to be shown on wetland delineation regardless if they are going to be mitigated or not. If a wetland is filled, it should not be required to have a setback.

- The riparian setback Reference Map and the Streams and Rivers and their Watershed Basins Maps should not be included in the Regulations. They both can be referenced as additional documents.
- Do not reference who can update the reference map. This would allow agencies other than Lake County Soil and Water Conservation District to update the map.
- Language stating that the applicant or property owner is responsible for locating the watercourse and riparian setback on the site plan should be added to Section 38.06 B.
- Add 38.07 A 6: Agriculture Uses and Buildings.
- Revise 31.03 A 8: Buildings and/or structures incidental to agriculture shall meet ***riparian setbacks***, rear yard and side yard clearances for the district in which they are located.
- Add 31.03 B 5: Shall meet riparian setback.

Ms. Pesec said and Mr. Valentic confirmed that they had attended a meeting in Concord Township where Mr. Donaldson of the Lake County Soil and Water Conservation District had said there was another name being used in place of riparian setbacks. Staff should ask Mr. Donaldson what that new name is and use it in place of riparian setbacks.

Mr. Siegel questioned whether a township could regulate agriculture at all. He said they could in a village.

Ms. Jordan said townships can regulate agriculture for certain lot sizes per ORC 519.21. She believed it was between one and five acres.

Mr. Radachy confirmed in ORC 519.21 the agricultural exemption allows townships to regulate the location of buildings on land up to five acres. Where there is less than an acre lot, they have full control of regulating agriculture. In a major subdivision or an area with 15 or more lot splits, you can also regulate agriculture.

Mr. Schaedlich suggested under Section 38.04, Definitions, that the 100-year flood definition does not provide a full definition. This definition should state that 100-year flood plains are inundated with water caused by a 100-year storm. The 100-year storm has a 1% chance of happening in any year.

Ms. Jordan said they could look up a definition to use for that.

Mr. Brotzman said there were many places where the text refers to wetlands being delineated or affirmed. He mentioned he thought it was important to have consistency throughout the text. In the text, wetlands are used in a general way and not defined as being delineated or affirmed.

Mr. Valentic suggested they could even add something to the definition of wetlands.

Mr. Martin explained that they have to be affirmed by the Army Corps of Engineers or the Ohio EPA when it comes to isolated wetlands. Delineation is done by the developer's

consultant and his scientists. This is submitted to the agency that affirms the delineation and a jurisdictional letter is written by the Army Corps of Engineers. EPA may have a similar instrument. The developers' scientist and the Corps may not agree and they will need to work it out. If the Township does not state that it needs to be affirmed by the Corps, a developer's engineer could claim a wetland is delineated and the Corps evaluation would not be required. The definition needs to state that wetlands and watercourses need to be affirmed by the jurisdictional authority.

Planning Commission made the following additions to the Land Use and Zoning Committee's recommendations.

- Revise 100-year flood plain definition to better explain that 100 year flood plain is inundated with water caused from a 100-year storm. The 100-year storm has a 1% chance of happening in any given year.
- Lake County Soil and Water Conservation District has a new term that can be used in place of riparian setback. Please consider using that term.
- Revise the definition of wetlands to include terms "delineation" and "affirmed". Add the process a property owner or developer is required to adhere to by having his wetlands delineated and affirmed to the definition of wetlands.
- Add wetlands to the definition of Riparian Area in definition I. and J.
- Create a definition for "wetlands setback".
- Recommend a review be completed by LCSWCD before the language is accepted.

Mr. Siegel motioned to recommend that Painesville Township add Section 38 to the Zoning Resolution with the suggested changes above by the Land Use and Zoning Committee and the Planning Commission. Mr. Martin seconded the motion.

All voted "Aye".

Amendment #5: Revising Section 29.11

Ms. Jordan stated that this amendment includes creating a new subsection that will administer large vehicles on residentially zoned or used lots and eliminate the time period that allows unlicensed or inoperable vehicles to stay on residentially used or zoned lots.

The Land Use and Zoning Committee recommended removing "being used for residential use" from 29.11A.

Mr. Siegel moved to recommend the approval of the submitted changes in Section 29.11, as recommended by the Land Use and Zoning Committee and removing "being used for residential use" from 29.11A. Ms. Hausch seconded the motion.

All voted "Aye".

Amendment #6: Creating Subsection 32.02(D); Revising 14.02(B)(2), 15.02(B)(2), 16.02(b)(2), and 17.03(B)(2)

Ms. Jordan stated that this amendment includes adding accessory uses to Section 32, FPUD and revising the depth of pools from 3 feet to 2 feet in Section 14.02 (B)(2), 15.02 (B)(2), 16.02 (B)(2), and 17.03 (B)(2).

The Land Use and Zoning Committee recommended approval.

Mr. Schaedlich moved to recommend approval of the submitted changes per the recommendation of the Land Use and Zoning Committee for Amendment #6 and Mr. Siegel seconded the motion.

All voted "Aye".

Amendment #7: Creating Section 39, Personal Property Sales

Ms. Jordan stated that this amendment includes adding a definition of and regulations for personal property sales.

The Land Use and Zoning Committee recommended that proposed Section 39.01 be accepted as Section 6.20 (A), Section 39.03 be accepted as Section 6.20 (B), Section 39.04 be accepted as Section 6.20 (C), and Section 39.05 be accepted as Section 6.20 (D). Section 39.02 should be added to Section 5, Definitions.

Ms. Jordan said they are recommending that this Section be included in Section 5, Definitions, and Section 6, General Requirements, because personal property sales fall under a similar category as fences and outdoor structures and does not need to be a stand-alone section. The Township is requesting that it be stand-alone.

Mr. Schaedlich stated that it would be much easier for the Township to track personal property sales by calendar year rather than by a 12-month period for each individual property address in the Township for section 39A. Without a uniform start and stop timeframe, records would have to be kept based on when a property address held a sale. For example, one address could hold a sale on May 9 while another address could hold a sale on June 1. Records of sales for each property address would need to be kept from May 9 2016 to May 9, 2017 for the first example and from June 1, 2016 through June 1, 2017 for the second example. The result would be hundreds of records with different 12-month time frames and a potential for lots of confusion.

Mr. Schaedlich said that 39.04(D), should read. "no taller than three (3) feet" instead of "three (2) feet" and 39.04(E) should also include utility boxes or traffic control devices.

Ms. Peseć said that 39.04(D) should reference edge of "road" pavement. This could include a sidewalk pavement.

Mr. Schaedlich moved to recommend approval of Amendment #7 including the recommendations of the Land Use and Zoning Committee and the Planning Commission changes stated above. Ms. Peseć seconded the motion.

Seven voted "Aye".
One voted "No."

Perry Township – Zoning Text Amendments to Add Section 411 and Adding a New Definition to Section 700

Ms. Jordan said Perry Township is creating Section 411, Temporary Storage and Dumpster Structures and adding a definition to Section 700 to define “Temporary Storage Unit and Temporary Outdoor Dumpster Unit”.

The Land Use and Zoning Committee recommended that “survey” be defined in the Resolution and that temporary storage or dumpster units not be allowed in MDPUD Districts, as those Districts include attached single-family and multi-family units.

Mr. Schaedlich brought attention to 411.01(B) giving the dimension of a unit of 10’x10’x22’ and said this needs to be delineated, such as 10’ wide x 10’ high x 22’ long. He also questioned if in 411.02, Permit and Deposit Required, if the Township really wanted to require the monitoring, taking of deposits and verification of these uses.

Mr. Siegel said there were so few of these uses. It would not be as problematic as garage sales. They had three in Perry. Mr. Schaedlich asked Mr. Siegel if they took deposits. Mr. Siegel said “No”. When Mr. Schaedlich worked in Concord, it was determined that they could not take deposits for single-family homes.

Ms. Pesec suggested questioning the legality of taking deposits with their legal counsel.

Ms. Germano confirmed that it was a private company that the homeowner contracted with and the Township wants to require a deposit from the homeowner to have the dumpster. This sounded a little questionable to her. She had not researched this before.

Ms. Pesec moved to recommend approval of the submitted changes to include the recommendations of the Land Use and Zoning Committee and the Planning Commission’s additions to better define dimensions of a unit’s size with height, width and length, to check into the legality of taking deposits from homeowners for a dumpster with their legal counsel, and to again review this text amendment taking into consideration the difficulty of administering deposits and the difficulty of obtaining deposits. Mr. Siegel seconded the motion.

All voted “Aye”.

REPORTS OF SPECIAL COMMITTEES

There were no special committee meetings.

CORRESPONDENCE

Mr. Radachy received a letter from Perry Township saying they had completed their Comprehensive Plan Update that will be used to make recommendations in the future. They

updated their demographics, housing and new issues like Lake Metroparks buying half of Wind Point Reserve to make a new park.

OLD BUSINESS

There was no old business.

NEW BUSINESS

The members acknowledged that Mr. Martin is now a member of the Lake County Port and Economic Development Authority Board.

PUBLIC COMMENT

There were no comments from the public.

ADJOURNMENT

Mr. Siegel moved to adjourn the meeting and Ms. Hausch seconded the motion.

All voted "Aye".

The meeting adjourned 6:45 at p.m.